

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER DIVISION

DONALD P. SPEAKMAN, STEPHEN H. WEDEL and MARK L. ROBARE,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

V.

**ALLMERICA FINANCIAL LIFE INS. &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INS. CO., and
ALLMERICA FINANCIAL CORP.**

Defendants.

Civil Action No. 4:04-cv-40077-FDS

STIPULATION CONCERNING PLAINTIFFS' MOTION TO COMPEL

Plaintiffs Donald P. Speakman, Stephen H. Wedel, and Mark L. Robare (“Plaintiffs”) and Defendants Allmerica Financial Life Ins. & Annuity Co., First Allmerica Financial Life Ins. Co., and Allmerica Financial Corp. (“Defendants”) enter into this Stipulation Concerning Plaintiffs’ Motion to Compel:

1. On October 27, 2005, Plaintiffs filed their Motion to Compel Discovery. On November 10, Defendants filed their Opposition to the Motion to Compel Discovery. On November 14, Plaintiffs filed their Reply Memorandum In Support of Motion to Compel Discovery. Magistrate Judge Swartwood held a hearing concerning the Motion to Compel on December 8.
2. As to certain aspects of the Motion to Compel Discovery, the parties have reached an agreement.

3. As part of that agreement, Defendants have produced certain documents, and agreed to produce all documents relating to Plaintiffs' Motion for Class Certification that were sought in Plaintiffs' Motion to Compel Discovery.
4. In light of these events, for purposes of Plaintiffs' Motion for Class Certification and the hearing that is scheduled on this Wednesday, December 14, Plaintiffs are not seeking any relief in the Motion to Compel.
5. This Stipulation is without prejudice to the parties' right as to litigate or seek relief in connection with the Motion to Compel, other than for purposes of the Motion for Class Certification.

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By: /s/ Eric D. Levin
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by facsimile and first class mail on this the 12th day of December, 2005, to counsel of record.

/s/ Eric D. Levin

Eric D. Levin